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DEPARTMENT OF EDUCATION
 FISCAL IMPACT STATEMENT OF PROPOSED REGULATION
 (In compliance with Ark. Code Ann. §§ 10-3-309 and 25-15-204)

MAR 15 2012

BUREAU OF
LEGISLATIVE RESEARCHRegulation Title: **ADE Rules Governing Teacher Licensure by Reciprocity**

Summary Description of Regulatory Proposal:

Act 1178 of 2011 amends the Non-Traditional Licensure program by allowing experienced professionals to obtain a three-year provisional license to teach on a full-time basis, and then allowing those professionals the opportunity to obtain a standard license at the end of the three years. Act 1178 also allows individuals who complete the Teach for America program, or who obtain a master's degree in teaching (MAT, M.Ed., or MTLL), to receive a standard license. These rule revisions accomplish the following: 1) Implement the changes mandated by Act 1178; 2) Clarify language throughout the rule to make it clearer and more consistent with the Department's other licensure rules; and 3) Remove legally questionable impediments in the current rule affecting individuals receiving degrees from out-of-state colleges and universities

Cite Statutory Authority for this Regulatory Proposal: **A.C.A. §§ 6-11-105, 6-17-402, 6-17-410, 6-17-204 and Act 1178 to 2011.**

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
No additional resources required.
 - B. Time Required for Implementation. **No additional time required.**
 - C. Procedural Changes. **None.**
 - D. Other.

- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space. **None.**
 - B. Time Required for Implementation. **None.**
 - C. Procedural Changes. **None.**
 - D. Other.

- III. Additional Comments.

Prepared by: **Mark White**
Staff Attorney
September 15, 2011

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SUMMARY OF PROPOSED CHANGES TO THE
ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
TEACHER LICENSURE BY RECIPROCITY

BUREAU OF
LEGISLATIVE RESEARCH

Changes Made Before Public Comment Period:

The rule has been amended throughout to replace the term "standard/professional license" with "advanced license" to make this rule consistent with the Department's other rules. Along the same lines, a definition of "advanced license" was added in section **3.02**.

The accompanying appendix listing areas of licensure, along with grade-level restrictions on licensure areas, have been deleted so that these rules need not be amended every time the State Board approves a new licensure area.

Sections **3.15** and **8.01.5** have been amended to clarify that required coursework may be taken at an out-of-state college or university, so long as the institution is accredited. Also, the phrase used to define accreditation has been amended for clarity in this section and in sections **4.02.5.1, 4.02.14.3, 4.02.16.2, 4.02.18.2, 4.02.19.2, 4.02.28,** and **8.01.4**.

The definition of "Provisional License by Reciprocity" in section **3.16** has been amended to delete redundant provisions regarding provisional licenses that can be found in the Department's other rules.

The definition of "Teacher-of-Record" in section **3.21** has been updated in anticipation of the new teacher evaluation system to be implemented pursuant to Act 1209 of 2011.

Section **4.01.1.2** has been amended and section **14.0** has been added to implement Section 1 of Act 1178 of 2011. The provisions of the Act have been clarified and implemented by adding a definition of "Good Standing" (section **14.01.2.1**); by noting the criminal and other background checks required by Ark. Code Ann. § 6-17-401 et seq. (section **14.01.3**); by noting the Arkansas History course requirement of Ark. Code Ann. § 6-17-418 (section **14.02**); by establishing a procedure for determining how licensure areas and endorsements will be determined (section **14.03**); and by establishing a license term consistent with that of other Arkansas standard licenses (section **14.04**).

Changes Made After First Public Comment Period:

Grammatical and stylistic changes have been made to sections **3.02, 3.22, 4.02.4.1, 8.01.5.1**

Redundant references to the Child Maltreatment Central Registry check have been removed from sections **4.02.14.5, 4.02.16.5, 4.02.18.3, 4.02.19.3, 4.02.20.3, 4.02.23, 4.02.27.3, 4.02.28.4, 5.02.3, 5.04.3,**

Section **8.01.3** has been amended to use the same phrase to define accreditation as is used in the remainder of the rule.

Section **8.01.5** has been deleted to remove the additional experience requirements currently placed on individuals seeking administrative licensure who obtain the required coursework at institutions of higher education that are not accredited by NCATE or TEAC. This change is being made to provide more opportunities for Arkansans living in border cities where it may be more convenient to obtain coursework at an out-of-state school.

Sections **8.01.5** and **8.01.6** (formerly numbered **8.01.6** and **8.01.7**) have been revised to remove the requirement that individuals seeking administrative licensure have classroom teaching experience at the licensure level being sought. The rule as revised will now require only that these individuals have four years of teaching experience at any level.

Former sections **11.0** and **12.0** have been deleted as their requirements are now moot due to the changes made by Act 1178 of 2011.

Section **11.02** (formerly numbered **13.02**) has been revised to complement the changes in **8.01.5** allowing individuals to seek administrative licensure with coursework from non-NCATE or non-TEAC accredited institutions of higher education.

Section **13.02.1** has been deleted as it is redundant to other rules.

Section **12.01.6.2** (formerly numbered as **14.01.6.2**) has been amended to recognize education degrees not only from institutions accredited by the National Council for Accreditation of Teacher Education (NCATE), but also from the Teacher Education Accreditation Council (TEAC) and the Council for Accreditation of Educator Preparation (CAEP). NCATE and TEAC have merged, and the combined organization is now known as CAEP. This change is made to reflect the merger, so that the rules will not refer to an organization that no longer exists.

Changes Made After Second Public Comment Period:

Sections **4.02.6** and **4.02.14.8** have been amended to replace the term “standard/professional license” with “advanced license” to make this rule consistent with the Department’s other rules.

Section **12.01.3** has been revised to conform the language of the rule to the language of the statute.

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**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING TEACHER
LICENSURE BY RECIPROCITY**
September 2009

MAR 15 2012
BUREAU OF
LEGISLATIVE RESEARCH

1.00 REGULATORY AUTHORITY

- 1.01** These rules shall be known as the Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity.
- 1.02** These regulations are enacted pursuant to the authority of the State Board of Education under Ark Code Ann. §§ 6-11-105, 6-17-402, 6-17-410, 6-17-424, 25-15-204, and Act 1178 of 2011 ~~Acts 733 and 1173 of 2009.~~

2.00 PURPOSE

- 2.01** These rules amend the previous Rules Governing the Certification Laws and Regulations. These rules govern provisional, initial, standard, or ~~standard/professional~~ advanced licensure through reciprocity.

3.00 DEFINITIONS- For the purpose of these Rules, the following terms shall mean:

- 3.01 Additional Licensure Plan (ALP)-** the recognized process for allowing a licensed teacher to be employed in an out-of-field teaching position while meeting the program of study requirements ~~at an Arkansas University/College~~ and/or assessment requirements for said position.
- 3.02 Advanced License-** a Standard Arkansas teaching license that is issued upon the request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who has documented current National Board Certification.
- 3.032 Building Level Administrator-** a principal, assistant principal or vice principal. ~~(grade levels P-8 and/or 7-12)~~
- 3.043 Central Registry-** The Child Maltreatment Central Registry established within the Arkansas Department of Human Services which contains records of cases on all true investigation determinations of child maltreatment.
- 3.054 Content/Standard Teaching Area-** the specific subject areas listed under Integrated Curriculum Humanities, Integrated Science Curriculum, Integrated Visual and Performance Arts, Integrated Vocational Education, Integrated Physical Education and Health and Special Education as listed in the State Board Approved Levels and Areas of Licensure.
- 3.065 Curriculum/Program Administrator-**an individual who is responsible for program development and administration, and/or employment evaluation

decisions. Each Curriculum/Program Administrator license is limited to the following areas:

- 3.065.1 Special Education; ~~(grade levels P-4 and/or 4-12, or P-12)~~
- 3.065.2 Gifted & Talented Education; ~~(grade levels P-8 and/or 7-12)~~
- 3.065.3 Career and Technical Education; ~~(grade levels 4-8, 7-12 and/or Post-Secondary)~~
- 3.065.4 Content Area Specialist in an area approved by the State Board of Education; or (grade levels P-8 and/or 7-12)
 - 3.05.4.1 ~~The areas of licensure for Content Area Specialist are listed in Appendix A.~~
- 3.065.5 Curriculum Program Administrator, ~~(grade levels P-8, and/or 7-12)~~

3.076 District Level Administrator- a superintendent, assistant or associate superintendent, or deputy superintendent. ~~(grade level P-12)~~

3.087 Endorsement- teaching or administrative licensure areas, which require an initial, or standard, or advanced teaching license, prior to the endorsement being added.

3.098 Induction-the period of time beginning with a teacher's or administrator's first employment as the ~~teacher-of-record~~ teacher-of-record or administrator in an Arkansas public school, cooperative, or agency that requires an Arkansas Initial teaching or initial administrator license.

3.1009 Initial Teaching License- a three (3)-year teaching license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.

3.110 Level and Area of Licensure:

a.) **Level** of licensure - the grade/age level parameters of the teaching license, such as P-4, 4-8, P-8, P-12, 7-12 and PS (post-secondary).

b.) **Area** of licensure- the particular content field, including but not limited to, Early Childhood, Middle Childhood Science/Mathematics, Social Studies, and Family and Consumer Sciences.

3.124 Mentoring- the act of a certified mentor providing support and focused feedback to a novice teacher/administrator through the state-adopted mentoring model as a part of the Induction process.

- 3.132 Novice teacher-** any licensed teacher-of-record with less than one (1) year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.
- 3.143 Performance Assessment-**an assessment tool used for evaluation of the classroom performance of a novice teacher, as part of the Induction process.
- ~~3.14 **Professional License-** a standard Arkansas teaching license that is issued upon the request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who had documented current National Board Certification.~~
- 3.15 Program of Study -** a state-approved teacher preparation curriculum offered at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation an Arkansas college or university, based on the *Arkansas Licensure Standards*. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular licensure area and level.
- 3.16 Provisional License by Reciprocity-** one (1) year teaching license that (may be renewable or non-renewable) allows a teacher coming from out of state or out of country to be employed as a teacher while completing all requirements necessary for the Initial, Standard, or Standard/Professional Advanced teaching license. Applicants who have participated in, but not completed, an alternate route to licensure in another state are excluded from provisional licensure.
- ~~a.) A non-renewable teaching license issued to applicants holding an out-of-state license and that have been required to test and/or take Arkansas History; or~~
 - ~~b.) A non-renewable teaching license issued to applicant that have completed their degree in teacher preparation program out of state, but did not license, and that have been required to test and/or take Arkansas History; or~~
 - ~~c.) A non-renewable teaching license issued to applicant out-of-country that have met the provisions of section 4.02.6 of this Rule and have been required to test and/or take Arkansas History; or~~
 - ~~d.) A renewable teaching license issued to applicants from out of state when the teaching areas are not recognized by Arkansas, and they have been required to complete a program of study or additional coursework for Arkansas licensure. It may be renewed twice.~~
- 3.17 Reciprocity-** the recognition of a teaching license from another state or country based on the terms of the interstate contract agreement and National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure or Arkansas rules governing licensure by reciprocity.

- 3.18 **Standard Non-Instructional License-** a five (5)-year renewable license, issued by the state, which allows one to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.
- 3.19 **Standard Teaching License-** a five (5)-year renewable license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.
- 3.20 **State Board Required Assessments-** specific performance –based assessments approved by the State Board of Education.
- 3.21 **Teacher-of-Record-** ~~an instructional teacher employed under contract (in a licensed staff position) by a school district or other Arkansas agency or organization requiring an Arkansas teaching license~~ individual who has been assigned lead responsibility for a student’s learning in a subject/course with aligned performance measures.
- 3.22 **Teaching experience-** experience earned while employed as a licensed teacher, administrator, ~~librarian~~ library media specialist, or counselor for a public or private school, agency or organization in a pre-kindergarten through grade 12 setting.

4.00 REQUIREMENTS FOR OBTAINING INITIAL, STANDARD, OR ADVANCED STANDARD/PROFESSIONAL TEACHING LICENSE BY RECIPROCITY

4.01 Eligibility

4.01.1 Applicants ~~shall hold~~ holding a valid or expired, initial or standard/~~professional~~ teaching license from another state or country.

4.01.1.1 Applicants licensing in Added Endorsement Areas as identified in the Areas and Levels of Licensure ~~shall hold~~ holding or who have held a “content teaching area” of licensure.

4.01.1.2 Applicants holding a current, valid, standard teaching license or its equivalent issued by another state may choose to qualify for an Arkansas standard or advanced license under Section 12.0 of these Rules in lieu of the requirements of Section 4.0.

4.01.2 Any applicant that has completed a teacher preparation program from another state or country but did not license.

4.02 General Requirements

- 4.02.1** Teachers licensing through reciprocity with less than one year of teaching experience shall be issued an Initial / Provisional License and participate in the Induction Program (mentoring and the state mandated performance assessment).
- 4.02.2** Any individual who holds a valid teaching license from another state, and who has not graduated from a college/university holding regional/national accreditation and/or a teacher preparation program that holds a national accreditation approved by the U.S. Department of Education, or that is a state approved preparation program, is not eligible for licensure in Arkansas.
- 4.02.3** Specialty area assessments required for out-of state teacher licensure may be accepted for Arkansas teacher licensure.
- 4.02.4** Required assessments for Arkansas licensure through reciprocity shall be waived upon providing the following documentation:
- 4.02.4.1** Valid out-of-state teaching license as a teacher, administrator, ~~librarian~~ library media specialist, counselor or in other compatible licensure areas as identified in the areas and levels of licensure as adopted by the State Board of Education.
 - 4.02.4.2** Three years of teaching experience as documented on school district, agency or organization letterhead.
- OR**
- 4.02.4.3** Score report reflecting a passing score for the Specialty Area Assessment(s) required for the out-of-state teaching license (OR) written verification from the licensing agency that the required Specialty Area Assessment(s) for licensure were successfully completed.
- 4.02.5** All out-of-country applicants shall have their credentials evaluated by one of the ADE approved private credential evaluation agencies located in the United States.
- 4.02.5.1** The private evaluation agency shall complete a course-by-course evaluation of the applicant's transcript, indicate the applicant's major area of study and document whether the applicant's degree is equivalent to one that would have been completed at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of

Education or the Council for Higher Education Accreditation
~~a regionally accredited institution or an institution of higher
education in the United States that holds national
accreditation that is approved by the U.S. Department of
Education.~~

- 4.02.5.2** The private evaluation agency shall also document whether the professional preparation for teacher licensure out-of-country and the areas of teacher licensure represented by the out-of-country license are equivalent to the a teacher preparation program in the United States that holds national accreditation approved by the US Department of Education, or that is state approved.
- 4.02.5.3** This evaluation will determine eligibility for teacher licensure in Arkansas.
- 4.02.6** Applicants from out of state or out of country with an expired license shall take and pass the Praxis II Specialty Area Test(s) for all areas of standard/~~professional~~ licensure and the Praxis II Principles of Learning and Teaching for the appropriate level of teacher licensure to be eligible for a standard/~~professional~~ or advanced Arkansas teaching license. Applicants with an expired license from out-of-state or out-of-country shall be eligible for a provisional license.
- 4.02.7** Out-of-state applicants for teacher licensure whose current license was granted without a specialty area assessment or who cannot document at least three years of teaching experience shall take and pass the Praxis II Specialty Area Test for all areas of standard licensure and endorsements and the Praxis II Principles of Learning and Teaching for one of their levels of teacher licensure.
- 4.02.8** All candidates with licensure areas/endorsements from other states with reciprocity agreements through ~~NASDTEC~~ the National Association of State Directors of Teacher Education and Certification (NASDTEC) shall receive the Arkansas equivalent licensure area(s)/endorsements, provided all other licensure requirements have been met.
- 4.02.9** Applicants from out-of-state or out-of-country with a license in special education or a related service area(s), i.e. Visual Specialist or Hearing Specialist, seeking a standard teaching license shall initially meet the standards established for such licensure in Arkansas to receive a standard teaching license. A one year, renewable twice, provisional teaching license shall be available for those applicants not meeting the established standards for special education licensure. The applicant shall meet the standards established for special education

licensure within three years of receiving a provisional license to be in keeping with the "highest standards" of the Individuals with Disabilities Education Act Amendments of 1997 pertaining to qualified personnel. The Office of Special Education will assist the Office of Professional Licensure in identifying the course of action for meeting Arkansas standards for licensure in special education or related service area(s). The provisional license shall be converted to a standard/professional or advanced license upon meeting the established standards including the required Praxis II Specialty Area Assessments for Arkansas special education licensure.

- 4.02.10** Teachers and/or administrators being licensed in Early Childhood P-4, Middle Childhood 4-8 or Secondary Social Studies, shall complete a three-hour course in Arkansas History before receiving a ~~an initial~~ standard, or advanced Arkansas teaching license. A one-year, non-renewable provisional teaching license shall be available for those that have not completed the three-hour Arkansas History course.
- 4.02.11** Applicants whose standard teaching area(s) are not recognized by Arkansas shall receive the teaching area and level that most closely parallels their out-of-state or out-of-country licensure area(s).
- 4.02.12** Applicants whose endorsement(s) are not equivalent to an Arkansas endorsement area, shall take the required Praxis II Specialty Area Exam(s) for the Arkansas endorsement area(s) that most closely parallels their out-of-state or out-of-country endorsement area(s) in order to add the Arkansas endorsement area(s) to their standard or advanced teaching license. In cases where the endorsement area does not have a subject specific Praxis II Specialty Area Exam, the applicant shall complete the prescribed program of study for the endorsement area and Praxis II Exam assigned to that endorsement area.
- 4.02.13** ~~Standard/professional~~ and advanced teaching licenses will become effective January 1 of the year the license is issued and shall expire December 31 of the last year the license is valid. A ~~standard/professional or advanced~~ teaching license issued after January 1, 2002 shall be valid for five years.
- 4.02.14** Candidates who completed an out-of-state teacher preparation program but never licensed, shall meet the following requirements for their Initial Arkansas teaching license.
- 4.02.14.1** Submit an application for teacher licensure.

- 4.02.14.2** Submit documentation of having completed a teacher preparation program that holds national accreditation recognized by the U.S. Department of Education, or that is state approved.
- 4.02.14.3** Submit an official transcript(s) reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is approved by the U.S. Department of Education.~~
- 4.02.14.4** Document successful passing of the state required basic skills assessment(s), specialty area assessment(s) for each licensure/endorsement area, and pedagogical assessment for one of their levels of licensure.
- 4.02.14.5** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.
- 4.02.14.6** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.14.7** Successfully complete the three-hour, college level, Arkansas History course when required.
- 4.02.14.8** The initial teaching license shall be converted to the five-year, standard/professional or advanced Arkansas teaching license upon successful completion of Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.15** Only the areas of licensure and/or endorsement listed on an out-of-state or out-of-country license shall be recognized for licensure through reciprocity.
- 4.02.16** Candidates from out of state that have completed a teacher education program and hold an initial or provisional teaching license shall meet the following requirements for their Arkansas three-year initial teaching license.
 - 4.02.16.1** Submit an application for teacher license.

- 4.02.16.2** Submit an official transcript reflecting the completion of a teacher preparation program with a minimum of a bachelor's degree (Master's degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization . recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation recognized by the U.S. Department of Education~~, or that is state approved. The specific program, as well as the institution shall meet these criteria.
- 4.02.16.3** Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education~~ .
- 4.02.16.4** Document testing that was required for the out-of-state initial teaching license. When it cannot be documented that the applicant has met the requirements of Section 4.02.4 of these Rules, the applicant shall successfully complete the state required basic skills assessments(s), specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.
- 4.02.16.5** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.
- 4.02.16.6** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.16.7** Candidates shall provide a copy of their out-of-state teaching license to the Office of Professional Licensure.
- 4.02.16.8** Candidates receiving the Initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.16.9** Candidates shall successfully complete the three-hour, college level, Arkansas History course when required.

4.02.16.10 The initial teaching license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon the successful completion of mentoring and the Praxis III – Performance Assessment.

4.02.17 The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas teaching license that has been issued in error.

4.02.18 Candidates from out of state that have completed a teacher preparation program and hold a standard teaching license shall meet the following requirements for their five-year, standard or advanced Arkansas teaching license.

4.02.18.1 Submit an application for teacher licensure.

4.02.18.2 Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education.~~

4.02.18.3 Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.

4.02.18.4 Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.

4.02.18.5 Provide verification of three years of teaching experience or verification of having successfully passed a specialty area assessment(s) required for the out-of-state teaching license.

4.02.18.6 Candidates that cannot verify experience or testing shall successfully pass the state required specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.

- 4.02.18.7** Candidates shall provide a copy of their out-of-state teaching license.
- 4.02.18.8** Candidates shall pass the three-hour Arkansas History course when required.
- 4.02.19** Candidates from out-of-state that have completed a teacher preparation program and hold either an expired initial or expired standard teaching license, shall complete the following requirements for their initial, standard, or advanced standard/professional teaching license.
- 4.02.19.1** Submit an application for teacher licensure.
- 4.02.19.2** Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education.~~
- 4.02.19.3** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.
- 4.02.19.4** Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.
- 4.02.19.5** Submit a copy of their expired out-of-state-teaching license.
- 4.02.19.6** Successfully pass the state required specialty area assessment for each licensure/ endorsement area, and the state required pedagogical assessment for one of their levels of licensure.
- 4.02.19.7** Candidates shall successfully pass a three-hour, Arkansas history course when required.
- 4.02.19.8** Candidates receiving the initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).

- 4.02.19.9** The initial license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon the successful completion of mentoring and the Praxis III- Performance.
- 4.02.19.10** Candidates holding an expired teaching license shall be eligible for a provisional teaching license.
- 4.02.20** Candidates who completed an out-of-country teacher preparation program shall meet the following requirements for their initial, Arkansas teaching license.
- 4.02.20.1** Submit an application for teacher licensure.
- 4.02.20.2** Document successful passing of the state required basic skills assessment, specialty area assessment(s) for each licensure/endorsement area, and pedagogical assessment at one of their levels of licensure.
- 4.02.20.3** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann § 6-17-410.
- 4.02.20.4** Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.
- 4.02.20.5** Meet the requirements of section 4.02.6 of these rules.
- 4.02.20.6** Successfully pass the three-hour college level Arkansas History course when required.
- 4.02.20.7** The initial teaching license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon successful completion of induction (Mentoring and Praxis III-Performance Assessment).
- 4.02.21** Candidates adding additional licensure/endorsement areas by reciprocity to a current Arkansas teaching license, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement.
- 4.02.22** Candidates choosing not to transfer all licensure/endorsement areas by reciprocity when licensing initially in Arkansas, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement if/when the candidate

chooses to add those licensure/endorsement areas at a later date.

- 4.02.23** All candidates for licensure by reciprocity shall clear the required State Police and Federal Bureau of Investigation background checks regardless of previous background checks already completed.
- 4.02.24** All candidates for licensure by reciprocity shall clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.25** ~~Effective May 1, 2007, teachers~~ Teachers licensing in P.E./Wellness/Leisure by reciprocity, shall be given the licensure code numbers of 227 and/or 228 upon documentation of one year or more of prior coaching experience or eligibility to be employed as a coach.
 - 4.02.25.1** A coaching endorsement will not be added automatically to license with these codes, but the teacher will be allowed to coach.
- 4.02.26** When prior coaching experience or eligibility to be employed as a coach cannot be documented, the new licensure code numbers for P.E./Wellness/Leisure of 235 and/or 236 shall be assigned.
 - 4.02.26.1** Teachers holding the new licensure code numbers of 235 and/or 236 shall not be automatically approved to be employed as a coach in the public schools of Arkansas.
 - 4.02.26.2** Teachers holding the new licensure code of 235 and/or 236, employed as coaches shall work under the ALP (Additional Licensure Plan) for the coaching endorsement (7-12).
- 4.02.27** Individuals licensing as a Speech Language Pathologist shall meet the following requirements.
 - 4.02.27.1** Document completion of a Master's Degree in Speech Language Pathology from a regionally accredited college/university.
 - 4.02.27.2** Document successful passing of the required specialty area assessment.

4.02.27.3 Successfully clear the required State Police and FBI background checks.

4.02.27.4 Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.

4.02.28 Individuals licensing as a School Psychology Specialist shall meet the following requirements.

4.02.28.1 Document completion of an advanced degree in School Psychology from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; a regionally accredited college/university or

4.02.28.2 Document completion of a Master's Degree in Counseling/Psychology with a graduate level program of study in School Psychology from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation a regionally accredited college/university.

4.02.28.3 Document successful passing of the required Specialty area assessment.

4.02.28.4 Successfully clear the required State Police and FBI background checks.

4.02.28.5 Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.

4.02.29 The Office of Professional Licensure reserves the right to license individuals by Reciprocity that have met their state's degree/program of study requirements and testing requirement but have not fulfilled other ancillary requirements for licensure.

5.00 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE BY RECIPROCITY

5.01 A one-year non-renewable provisional teaching license shall be issued to:

5.01.1 Out-of state or out-of country applicants who:

- 5.01.1.1** Have completed a teacher preparation but have not licensed or,
- 5.01.1.2** Hold a provisional, initial, or standard teaching license and,
- 5.01.1.3** Have been required to take Arkansas History or State-required licensure assessments.

5.02 The one-year non-renewable provisional teaching license shall be issued upon providing the following documentation, to the Office of Professional Licensure.

- 5.02.1** A completed licensure application form
- 5.02.2** Written documentation of transcript evaluation by a State approved, independent Evaluation agency located in the United States that meets the requirements of Section 4.02.6 of these rules.
- 5.02.3** Successfully clear the Arkansas State Police and Federal Bureau of Investigation background checks required by Ark. Code Ann. § 6-17-410.
- 5.02.4** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services
- 5.02.5** Official transcripts
- 5.02.6** Copy of out-of state or out-of country teaching license.
- 5.02.7** Proof of employment on the Verification of Provisional Licensure Eligibility Form that reflects the employing school district and hire date.

5.03 Eligibility for a one-year renewable (two times) provisional teaching license:

5.03.1 Out-of-state or out-of-country applicants who

- 5.03.1.1** Completed a teacher preparation program but have not licensed or,
- 5.03.1.2** Holds an initial, provisional, or standard teaching license and,

5.06 A provisional teaching license shall become effective for one year from the date the teacher/administrator is hired.

5.07 A provisional license shall not be issued to any person possessing a valid ~~Arkansas-standard/initial~~ initial, standard, or advanced teaching license.

6.00 REQUIREMENTS FOR CONVERTING A PROVISIONAL TEACHING LICENSE TO AN INITIAL, STANDARD, OR STANDARD/PROFESSIONAL ADVANCED TEACHING LICENSE BY RECIPROCITY

6.01 The one-year non-renewable provisional teaching license shall be converted to the three-year Initial or five-year Standard/~~Professional~~ or Advanced teaching license when the following documentation has been submitted to the Office of Professional Licensure.

6.01.1 A completed application for licensure requesting the conversion of the provisional teaching license.

6.01.2 Score reports reflecting successful completion of the state required basic skills assessment (all parts), specialty area assessment(s) and pedagogical assessment when required.

6.01.3 Official transcript(s) reflecting the successful completion of a three (3)-hour Arkansas History course when required.

6.02 The one-year renewable provisional teaching license shall be converted to the three-year ~~initial or standard/professional~~ five-year standard or advanced teaching license when the following documentation has been submitted to the Office of Professional Licensure.

6.02.1 A completed application for licensure requesting conversion of the provisional to the three-year initial or five-year ~~standard/professional~~ or advanced teaching license.

6.02.2 Official transcript reflecting successful completion of a three (3) hour Arkansas History course when required.

6.02.3 Score report reflecting successful completion of state required content assessment(s), pedagogical assessment and basic skills assessments (all parts) when required.

6.02.4 Official transcript and documentation of successful completion of program of study (coursework) when required.

7.00 REQUIREMENTS FOR CONVERTING AN INITIAL TEACHING LICENSE TO A STANDARD/~~PROFESSIONAL~~ OR ADVANCED TEACHING LICENSE.

7.01 The three-year, initial teaching license shall be converted to the five year standard/~~professional~~ or advanced teaching license upon providing the following documentation.

7.01.1 Verification of the successful completion of Induction (Mentoring and the Praxis III-Performance Assessment).

8.00 REQUIREMENTS FOR OBTAINING AN INITIAL BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCITY

8.01 ELIGIBILITY

8.01.1 The applicant shall hold or have previously held a standard "teaching area" of licensure in another state or country.

8.01.2 The applicant shall hold a valid Initial Administrator license or its equivalent in another state or country.

8.01.2.1 There are two Initial Administrator licenses.

8.01.2.1.1 Building Level Administrator,

AND

8.01.2.1.2 Curriculum Program Administrator

8.01.3 Applicants shall have completed a graduate degree from a ~~college/university holding regional/national accreditation recognized by the U.S. Department of Education~~ an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

8.01.4 If the graduate degree is not in Educational Leadership, the applicant shall have completed in addition to the degree: a graduate level Educational Leadership program of study at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~holding regional/national accreditation recognized by the U.S. Department of Education in addition to the degree.~~

8.01.5 If the applicant's graduate degree and program of study are not from a ~~college/university holding NCATE or TEAC~~ national

~~accreditation as recognized by the US Department of Education then:~~

~~8.01.5.1 An applicant with at least one year of administrative experience, in the licensure area sought, shall receive an appropriate (Initial / Standard) Administrator's License.~~

~~————— An applicant with less than one year of administrative experience, in the licensure area sought, shall complete an Administrator Licensure Completion Plan (ALCP) of study from an approved Arkansas College/University.~~

~~8.01.6 The applicant seeking licensure as an Initial Building Level Administrator shall have a minimum of four years of teaching experience, with three years of classroom teaching experience at the level of licensure being sought.~~

~~8.01.56.1 Four (4) years of experience as a school counselor or librarian library media specialist may be counted toward the total of four (4) years of classroom teaching experience for Building Level Administrator only.~~

~~8.01.67 The applicant seeking licensure as an Initial Curriculum Program Administrator shall have a minimum of four years of teaching experience with at least three years of teaching experience at the level or in the area in which the applicant is seeking licensure.~~

~~8.01.78 Applicants for licensure as an Initial Curriculum Program Administrator shall also hold Arkansas licensure in the specialty area where applicable.~~

~~8.01.78.1 If the specialty area is an added endorsement area gained without a program of study, it will not serve as a platform for gaining the Curriculum Program Administrator License.~~

9.00 CONVERTING THE INITIAL BUILDING LEVEL ADMINISTRATOR LICENSE TO A STANDARD BUILDING LEVEL ADMINISTRATOR LICENSE

9.01 The Initial Building Level Administrator License shall be converted to a Standard Building Administrator license when:

9.01.1 A minimum of one-year work experience as a Building Level Administrator is verified.

9.01.2 The applicant has completed one year of the state mentoring program for Building Level Administrators.

9.01.3 The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

9.02 If experience and/or testing and/or mentoring were completed out of state, and/or verified, they shall be waived in Arkansas.

10.00 CONVERTING THE INITIAL CURRICULUM PROGRAM ADMINISTRATOR LICENSE TO A STANDARD CURRICULUM PROGRAM ADMINISTRATOR LICENSE

10.00 The Initial Curriculum Program Administrator license shall be converted to a Standard Curriculum Program Administrator license when:

10.00.1 A minimum of one-year work experience as a Curriculum Program Administrator is verified.

10.00.2 The applicant has completed one year of the state mentoring program for Curriculum Program Administrator.

10.00.3 The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

10.02 If experience and/or testing and/or mentoring were completed out of state, and/or verified, they shall be waived in Arkansas.

~~**11.00 REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCALITY**~~

~~**11.01 ELIGIBILITY**~~

~~**11.01.1** The applicant shall hold or shall have previously held a Standard teaching area of licensure in another state or country.~~

~~**11.01.2** The applicant shall hold a valid Standard Building Level or Curriculum Program Administrator license or the equivalent in another state or country.~~

~~**11.01.3** Applicants shall have satisfied all requirements in Section 8.01 of these Rules.~~

~~11.01.4 The applicant shall have successfully completed a specialty area assessment in Educational Leadership.~~

~~11.01.4.1 If no assessment was required out of state, but the applicant has completed three years of employment as an administrator, the Arkansas-required assessment shall be waived.~~

~~11.01.4.2 If no assessment was required out of state and the applicant has completed less than three years of employment as an administrator, he/she shall take and successfully complete the Arkansas-required assessment for these areas of administration.~~

~~11.01.5 When licensed as an Administrator in Arkansas, and employed as such, the administrator shall attend the Beginning Administrator Induction and Follow-up training sessions conducted as part of the State Mentoring Program for Administrators.~~

~~12.00 REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL DISTRICT LEVEL ADMINISTRATOR LICENSE BY RECIPROCITY~~

~~12.01 Applicants shall hold or shall have previously held a Standard teaching area of licensure in another state or country.~~

~~12.02 Applicants shall hold a valid Standard District Level Administrator license in another state or country.~~

~~12.03 Applicants shall hold a valid Standard Building or Curriculum Program Administrator license in another state or country, or~~

~~12.03.1 Document a minimum of five years experience as a District Level Administrator~~

~~12.04 Applicants shall have satisfied all requirements contained in Section 8.01 of these Rules.~~

~~12.04.1 The preparation for District Level Administrator shall consist of an advanced degree in Educational Leadership, or a graduate level degree with an advanced program of study in Educational Leadership.~~

~~12.05 District Administrator licensure requires the School Superintendent's Assessment. This test may be waived if:~~

~~12.05.1 The applicant successfully completed an assessment out of state for this area.~~

_____OR

~~12.05.2 The applicant has completed three years or more of employment as a District Administrator.~~

113.00 REQUIREMENTS FOR ADDING ADDITIONAL AREAS OF LICENSURE/ENDORSEMENT BY RECIPROCITY

113.01 Applicants shall submit a completed application requesting the addition of the area(s) of licensure or endorsement.

113.02 Applicants seeking to add content teaching areas, adult education, added endorsement areas, non-instructional student services areas, and professional and technical areas to an Arkansas license by reciprocity shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement and/or rules governing a particular licensure/endorsement area.

~~13.02.1 Applicants shall meet degree, program of study (coursework), Praxis Assessment and experience requirements when required for adding areas of licensure/endorsement.~~

113.03 Arkansas required Praxis Assessment(s) shall be waived upon providing documentation of having completed the specialty area assessment required for the out-of-state licensure area.

113.03.1 When testing was not required for the out-of-state teaching license, or the licensure area being added by reciprocity is incompatible with the equivalent Arkansas licensure/endorsement area, the applicant shall successfully complete the required Arkansas Praxis Assessment(s).

113.04 A Master's Degree in an area other than Education Leadership shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement area as identified in the areas and levels of licensure as approved by the State Board of Education.

12.0 ACT 1178 OF 2011 STANDARD LICENSE RECIPROCITY

12.01 A teacher holding a current, valid, standard teaching license or its equivalent from another state may apply for and receive an Arkansas

five-year Standard or Advanced Teaching License upon meeting the following requirements:

12.01.1 Provide a copy of the out-of-state teaching license to the Office of Professional Licensure;

12.01.2 Submit proof that the applicant is in good standing with the licensing state, and that the applicant has been in good standing with the licensing state during the most recent two (2) years of the applicant's teaching experience, if any;

12.01.2.1 For the purpose of this section, "good standing" is defined as holding a current, unrestricted, non-probationary, non-provisional license to teach in the licensing state, with no ethics or similar proceedings pending against the license;

12.01.3 Successfully pass a criminal background check and Child Maltreatment Central Registry check;

12.01.4 Submit higher education transcripts evidencing the award of at least a bachelor's degree by an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation;

12.01.5 Submit reports evidencing all test scores required for licensing in the licensing state;

12.01.5.1 This requirement to submit test scores may be waived by submitting documentation of three (3) years of teaching experience as documented on school district, agency, or organization letterhead;

12.01.6 Submit documentation of one (1) of the following:

12.01.6.1 Completion of a program of teacher education at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; or

12.01.6.2 Completion of a program of teacher education accredited by the National Council for Accreditation of Teacher Education (NCATE),

Teacher Education Accreditation Council (TEAC),
or Council for Accreditation of Educator
Preparation (CAEP); or

12.01.6.3 Certification from the National Board of
Professional Teaching Standards; and

12.01.7 Pay applicable licensure fees as established by the State
Board of Education pursuant to Ark. Code Ann. § 6-17-
422(h)(3)(C).

12.02 An applicant seeking licensure in Early Childhood P-4, Middle
Childhood 4-8 or Secondary Social Studies, shall successfully
complete three (3) college credit-hours in *Arkansas History* at an
institution of higher education that is regionally or nationally
accredited by an accrediting organization recognized by the U.S.
Department of Education or the Council for Higher Education
Accreditation before receiving an Arkansas five-year Standard or
Advanced Teaching License.

12.02.1 A one-year, non-renewable provisional teaching license
shall be available for an applicant who has not completed
the three-hour *Arkansas History* course.

12.03 An applicant whose standard teaching area(s) are not recognized by
Arkansas shall receive the teaching area and level that most closely
parallels their out-of-state licensure area(s).

12.03.1 If none of the Applicant's standard teaching area(s) parallel
an Arkansas teaching area, the Office of Professional
Licensure shall issue a license reflecting the same area
reflected on the out-of-state license, with a notation that the
identified license area is by reciprocity and is not an
approved Arkansas teaching area.

12.04 Standard or advanced teaching licenses will become effective
January 1 of the year the license is issued and shall expire December
31 of the last year the license is valid. A standard or advanced
teaching license shall be valid for five years.

12.05 The areas of licensure and/or endorsement listed on an out-of-state
license shall be recognized for licensure through reciprocity.

12.06 The Office of Professional Licensure, as authorized by the State
Board of Education, reserves the right to amend and/or rescind any
Arkansas teaching license that has been issued in error.

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Date, Name, Affiliation	Section & Comment	Resolution
<p>September 27, 2011 Mr. Don McGohan Bryant Public Schools</p> <p style="text-align: center;">RECEIVED MAR 15 2012 BUREAU OF LEGISLATIVE RESEARCH</p>	<p>12.01.6.1 (formerly 14.01.6.1) – Has heard concerns from others about recognizing degrees from institutions other than NCATE-accredited programs.</p> <p>3.01, 3.15 & 8.01.5 – Has heard concerns from others about the deletion of the requirement that a program of study be completed at an Arkansas college or university.</p>	<p>Comment considered. New section 14.0 allows the award of a standard license via reciprocity, and the only education requirement is that the licensee must have completed a teacher education program at a regionally or nationally accredited institution of higher education, or at a program accredited by NCATE. Act 1178 specifically allows reciprocity for individuals holding degrees from institutions other than those that are NCATE-accredited.</p> <p>Comment considered. The U.S. Constitution forbids the state from burdening interstate commerce, meaning the state as a general rule may not impose a regulation that discriminates against out-of-state entities in favor of in-state entities. The current regulation does not articulate a legally-significant rationale for its preferential treatment of in-state institutions of higher education.</p>
<p>September 27, 2011 Ms. Sheri Neil, President Arkansas School Counselor Association</p>	<p>12.01.2 (formerly 14.01.2) – The last two words of this section, “if any”, are not contained in Act 1178 and should not be added. If an applicant seeking reciprocity does not have any teaching experience, then the rules for an Initial or Provisional license should apply. Some states allow individuals to be professional school counselors with no experience in the classroom. Currently, to become licensed as a school counselor in Arkansas an individual must hold a teacher’s license, complete at least two years of classroom experience, obtain a master’s degree, and pass the Praxis II content area and pedagogical assessments. The ArSCA Board believes this experience is important</p>	<p>Comment considered. Per Act 1178, new section 14.0 allows the award of a standard license via reciprocity for individuals holding a standard license or its equivalent from another state. Act 1178 does not explicitly require applicants for reciprocity to have prior teaching experience. The question, then, is whether Section 1, paragraph (c)(1)(B) of Act 1178 implicitly requires experience, given that one requirement for reciprocity is that the licensee must have “been in good standing during the most recent two (2) years of the applicant’s teaching experience.”</p> <p>The Department’s opinion is that it was not the Legislature’s intent for Act 1178 to implicitly require two years of teaching experience prior to reciprocity being granted. Rather, the Department believes the Legislative</p>

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	<p>to understand and experience the dynamics of the school environment to work most effectively with students, teachers, and administrators. In the school setting, counselors are dealing with not only the social and emotional well-being of the student, but also the academic and career development of the student. School counselors must prepare and teach lessons to students in a classroom while maintaining the classroom atmosphere in addition to individual and small group counseling sessions. School counselors work with the faculty and staff in a myriad of activities for the well-being of the individual student as well as the entire student body. Professional counselors who enter the school setting with no teaching experience will encounter a learning curve much greater than a school counselor who had the training and experience to become a classroom teacher and performed those duties for at least two years. Providing for an initial or provisional license for individuals coming to Arkansas with no teaching experience would afford mentoring support during those first two years.</p>	<p>intent was to allow reciprocity for any individual holding a standard license or its equivalent from another state, regardless of classroom experience, so long as the applicant's license was in good standing up to two years prior. Therefore, the Department added "if any" to the phrase in 14.01.2 to reflect that determination.</p>
<p>September 28, 2011 Dr. Mitch Hollifield Arkansas Professors of Educational Administration</p>	<p>3.01, 3.15 & 8.01.5 - In the September 2009 revision of the "Arkansas Department of Education Rules Governing Teach Licensure by Reciprocity," an out-of-state program of study was to be accredited by an agency approved by the Federal State Department of Education. Two agencies were recognized as being appropriate: NCATE and TEAC, which</p>	<p>Comment considered. The current rules confine the definition of "program of study" to only Arkansas colleges and universities. The current rules do not limit reciprocity to individuals holding degrees from NCATE or TEAC-accredited institutions; rather, reciprocity is currently permitted to an individual holding a degree from any institution of higher education that is regionally or nationally accredited, or approved by a state, and that</p>

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are now merging. Currently, programs in Arkansas universities and colleges that prepare teachers and administrators must be NCATE accredited. The new rules and regulations implementing Act 1178 should require that teachers and administrators from other states seeking an Arkansas license must have graduated from a college/university that is NCATE or TEAC accredited. If a candidate comes from a program without this accreditation, he/she should complete an abbreviated program of study—based on Arkansas licensure standards— at an Arkansas institution.

8.01.5.1 – The new rules and regulations indicate that out-of-state candidates seeking an administrator’s license who have less than one year of administrative experience and had graduated from a program that was not NCATE or TEAC accredited “. . . shall complete an Administrator Licensure Completion Plan (ALCP) of study (Section 8.01.5.1). The September 2009 rules and regulations required that such candidates must complete the ALCP at an approved Arkansas College/University; the old rule seems more congruent with the requirement that Arkansas be an NCATE state, especially in light of the fact that if the candidate is on an ALCP, he/she is working in an Arkansas school district while completing this program of study.

accreditation is not limited to NCATE or TEAC. Act 1178 explicitly allows reciprocity for individuals holding degrees from non-NCATE accredited schools; therefore, the comment cannot be accepted without exceeding the Department’s statutory authority. The change requested by the commenter may be made only by the General Assembly.

Comment considered. The U.S. Constitution forbids the state from burdening interstate commerce, meaning the state as a general rule may not impose a regulation that discriminates against out-of-state entities in favor of in-state entities. The current regulation does not articulate a legally-significant rationale for its preferential treatment of in-state institutions of higher education. Because of the removal of the in-state preference, and in light of the provisions of the Act 1178, the Department now proposes deleting sections 8.01.5 and 8.01.5.1 in their entirety.

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October 31, 2011
Richard Hutchinson,
Arkansas Education
Association

3.21 – The proposed language suggests that someone other than a licensed teacher could be Teacher-of-Record. We believe that the language should read: “an instructional teacher licensed by the State of Arkansas in the area in which they are teaching and employed under contract by a school district or other Arkansas agency or organization requiring an Arkansas teaching license who has been assigned lead responsibility for a student’s learning in a subject/course with aligned performance measures.”

3.01, 3.15 & 8.01.5 – In the September 2009 revision of the “Arkansas Department of Education Rules Governing Teach Licensure by Reciprocity,” an out-of-state program of study was to be accredited by an agency approved by the Federal State Department of Education. Two agencies were recognized as being appropriate: NCATE and TEAC, which are now merging. Currently, programs in Arkansas universities and colleges that prepare teachers and administrators must be NCATE accredited. The new rules and regulations implementing Act 1178 should require that teachers and administrators from other states seeking an Arkansas license must have graduated from a college/university that is NCATE or TEAC accredited. If a candidate comes from a program without this accreditation, he/she should complete an abbreviated program of study—based on Arkansas licensure standards— at an Arkansas institution.

Comment considered. Because most open-enrollment public charter schools have waivers from the teacher licensure requirements, it is likely that they will have individuals designated as teacher-of-record who nonetheless are not licensed.

Comment considered. The current rules confine the definition of “program of study” to only Arkansas colleges and universities. The current rules do not limit reciprocity to individuals holding degrees from NCATE or TEAC-accredited institutions; rather, reciprocity is currently permitted to an individual holding a degree from any institution of higher education that is regionally or nationally accredited, or approved by a state, and that accreditation is not limited to NCATE or TEAC. Act 1178 explicitly allows reciprocity for individuals holding degrees from non-NCATE accredited schools; therefore, the comment cannot be accepted without exceeding the Department’s statutory authority. The change requested by the commenter may be made only by the General Assembly.

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<p>October 31, 2011 Richard Hutchinson, Arkansas Education Association (continued)</p>	<p>8.01.5.1 – The new rules and regulations indicate that out-of-state candidates seeking an administrator’s license who have less than one year of administrative experience and had graduated from a program that was not NCATE or TEAC accredited “... shall complete an Administrator Licensure Completion Plan (ALCP) of study (Section 8.01.5.1). The September 2009 rules and regulations required that such candidates must complete the ALCP at an approved Arkansas College/University; the old rule seems more congruent with the requirement that Arkansas be an NCATE state, especially in light of the fact that if the candidate is on an ALCP, he/she is working in an Arkansas school district while completing this program of study.</p>	<p>Comment considered. The U.S. Constitution forbids the state from burdening interstate commerce, meaning the state as a general rule may not impose a regulation that discriminates against out-of-state entities in favor of in-state entities. The current regulation does not articulate a legally-significant rationale for its preferential treatment of in-state institutions of higher education. Because of the removal of the in-state preference, and in light of the provisions of the Act 1178, the Department now proposes deleting sections 8.01.5 and 8.01.5.1 in their entirety.</p>
<p>October 31, 2011 Tripp Walter, Staff Attorney Arkansas Public School Resource Center</p>	<p>3.15 – The proposed new language is not contained in Act 1178. The Rules should not contain language that goes beyond the Act.</p> <p>12.01.3 (formerly 14.01.3) – This section requires the successful passing of “other background checks as required by law,” along with passing the statutorily required criminal background checks and Child Maltreatment Central Registry check. Neither Act 1178, nor other statutes, requires passing “other background checks” as a prerequisite to license. The Rules should not contain language that goes beyond the Act and the licensure statutes.</p>	<p>Comment considered. Section 3.15 defines “program of study”; Act 1178 does not address programs of study, and the proposed revisions are unrelated to Act 1178.</p> <p>Comment accepted.</p>

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	<p>12.01.5 (formerly 14.01.5) – This section should also include the waiver of examination requirements provision of Ark. Code Ann. § 6-17-402(d).</p> <p>12.02.1 (formerly 14.02.1) – This section authorizes the ADE to issue a one-year, non-renewable provisional teaching license to an applicant who has not completed the Arkansas History course. The intent of Act 1178 would seem to indicate that an applicant who is just lacking the Arkansas History course should be issued a standard teaching license, with a requirement to submit proof of completion of the course to the ADE within a certain period of time.</p> <p>12.03.1 (formerly 14.03.1) – Before this language is placed in final Rule form, we would ask the Department to review all of its licensure areas to see how many (if any) out-of-state licensure areas are anticipated not to match Arkansas' licensure areas. A clear intent of Act 1178 is for an out-of-state teacher, upon the presentation of the proof required by the Act to the Department, to receive a standard Arkansas teaching license for the same grade levels and areas as reflected on the out-of-state license.</p>	<p>Comment considered. The waiver provisions are included in section 12.01.5.1.</p> <p>Comment considered. Ark. Code Ann. § 6-17-418(b) specifically requires the issuance of a provisional license in place of a standard license for applicants who do not meet the Arkansas History requirements. Act 1178 did not repeal or modify any portion of § 6-17-418; therefore, the Department must continue to enforce § 6-17-418 as it currently exists.</p> <p>Comment considered. The language of 12.03.1 ensures that every eligible applicant will receive a standard license as required by Act 1178, regardless of what licensure area they may have.</p>
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<p>January 17, 2012 Matthew B. Miller Administrator, Administrative Rules Review, Bureau of Legislative Research</p>	<p>3.06 – Are the areas of licensure and grade levels not placed in a rule? It seems those would meet the definition of a rule (statement of general applicability that implements policy). Deleting the appendix seems to remove them from the rule.</p> <p>4.0 – Looking at 6-17-403, it appears there are 2 ways for a person licensed in another state to obtain licensure – a one-year non-renewable provisional license or a five-year teaching license if the new standards are met. That being the case, some of the rule confuses me. For instance, 4.02.16 and 18, isn't this allowing 3 and 5 year licenses for out-of state folks? I wasn't sure why 6-17-403 wasn't the final word on reciprocity and more of this rule wasn't moot.</p> <p>4.02.6 – Just wanted to make sure you didn't mean to add "advanced" here.</p> <p>4.02.10 – Could a person previously not get an advanced license under this section?</p> <p>4.02.12 – Was a person able to add endorsement areas to an advanced license before this rule? See also 3.08.</p> <p>4.02.14.8 – Just wanted to make sure you didn't mean to add "advanced" here.</p>	<p>Comment considered. The areas of licensure are presently listed in multiple rules, meaning that if any change is made, all of the rules must be changed. We are eliminating the list from all but one of the rules, for simplicity and to prevent any future conflicts between the various versions.</p> <p>Comment considered. Nothing in Act 1178 indicates that the Act was intended to cover the entire subject matter of reciprocity and repeal by implication existing statutes or regulations. In addition, Act 1178 addresses only a limited number of reciprocity situations; for instance, it does not address reciprocity for individuals holding an initial or provisional license from another state. Therefore, the Department recommends maintaining parallel tracks for reciprocity – the track under the existing regulations, and the track created by Act 1178.</p> <p>Comment accepted.</p> <p>Comment considered. An "advanced" license (previously known as a "professional" license) was and is available to any teacher holding a standard license who has a master's degree or national board certification. This section is being changed to clarify that advanced licenses are available via reciprocity for those teachers meeting the criteria.</p> <p>Comment considered. Yes.</p> <p>Comment accepted.</p>
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Public Comments: ADE Rules Governing Teacher Licensure by Reciprocity – Sept./Oct. 2011, Dec. 2011/Jan. 2012

January 17, 2012
 Matthew B. Miller
 Administrator,
 Administrative Rules
 Review, Bureau of
 Legislative Research
 (continued)

4.02.28.1. and 2. – Is this rule now saying a nationally accredited school qualifies? It only said “regionally accredited” before.

5.03.3 – Will this rule now allow conversion to an advanced license that was not previously allowed? Similarly, 5.07 now includes advanced where it was not there before.

Former 11.00 and 12.00 – it wasn’t clear to me why these sections specifically were moot. As noted above, it seemed to me other sections of the rule would be moot as well – I wasn’t sure why these sections were singled out.

12.01.4. – Act 1178 requires a bachelor’s degree, but does not require that it be from an accredited institution.

12.01.5.1 – This is a requirement of Act 1178 – there is no provision for a waiver in the law, but the rule allows this requirement to be waived.

Comment considered. The phrases “regionally accredited” and “nationally accredited” are ambiguous. For clarity, all references to accreditation are being revised to utilize the same language which references the actual accreditation process.

Comment considered. No, this change is not substantive. The phrase “or advanced” is being added only for clarity.

Comment considered. Because both of these sections were applicable only to individuals holding a standard license or its equivalent, they are duplicative of the standard license provisions in Act 1178.

Comment considered. This section is essentially a definition of the statutory term “baccalaureate degree”. The Department does not believe the Legislature intended for teaching licenses to be granted to individuals holding “degrees” from diploma mills or other non-accredited institutions of higher education. In addition, the proposed language matches the requirements of the “Highly Qualified Teacher” requirements of the No Child Left Behind Act of 2001.

Comment considered. Under the existing regulations, testing may be waived by a teacher with documented teaching experience. Because a teacher could accomplish waiver by applying under the old regulations, the Department felt it appropriate to allow the same waiver in this section, since the teacher would reach licensure regardless of which track was followed.

Public Comments: ADE Rules Governing Teacher Licensure by Reciprocity – Sept./Oct. 2011, Dec. 2011/Jan. 2012

<p>January 17, 2012 Matthew B. Miller Administrator, Administrative Rules Review, Bureau of Legislative Research (continued)</p>	<p>12.01.6.1. – Act 1178 only references “regionally” accredited institutions. This section adds “or nationally”.</p> <p>12.01.6.2. – This language mirrors Act 1178 (which only mentions NCATE), but I gather from the summary that you feel NCATE now includes TEAC and CAEP?</p> <p>12.02 – Act 1178 has no provisions requiring a person to meeting the Arkansas History requirement to obtain a license by reciprocity.</p>	<p>Comment considered. The phrases “regionally accredited” and “nationally accredited” are ambiguous. For clarity, all references to accreditation are being revised to utilize the same language which references the actual accreditation process.</p> <p>Comment considered. NCATE and TEAC are in the process of merging to form a new organization known as CAEP. Because of this merger, the Department felt the legislative intent would be best met by recognizing all three organizations.</p> <p>Comment considered. Ark. Code Ann. § 6-17-418 expressly requires coursework in Arkansas History for any individual seeking licensure as an elementary or social studies teacher. Act 1178 did not repeal or modify any portion of § 6-17-418; therefore, the Department must enforce § 6-17-418 as it currently exists.</p>
<p>January 17, 2012 Tripp Walter, Staff Attorney Arkansas Public School Resource Center</p>	<p>3.15 – The proposed new language is not contained in Act 1178. The Rules should not contain language that goes beyond the Act.</p> <p>4.02.16.10 & 4.02.19.9 – Why is the “Praxis III” assessment still being referenced?</p> <p>12.01.3 (formerly 14.01.3) – This section requires the successful passing of “other background checks as required by law,” along with passing the statutorily required criminal background checks and Child Maltreatment Central Registry check. Neither Act 1178, nor other statutes, requires passing “other background checks” as a prerequisite to licensure. The Rules should not contain language that goes beyond the Act and the licensure statutes.</p>	<p>Comment considered. Section 3.15 defines “program of study”; Act 1178 does not address programs of study, and the proposed revisions are unrelated to Act 1178.</p> <p>Comment considered. No change was made by Act 1178 to these provisions.</p> <p>Comment accepted.</p>

Public Comments: ADE Rules Governing Teacher Licensure by Reciprocity – Sept./Oct. 2011, Dec. 2011/Jan. 2012

<p>January 17, 2012 Tripp Walter, Staff Attorney Arkansas Public School Resource Center (continued)</p>	<p>12.02.1 (formerly 14.02.1) – This section authorizes the ADE to issue a one-year, non-renewable provisional teaching license to an applicant who has not completed the Arkansas History course. The intent of Act 1178 would seem to indicate that an applicant who is just lacking the Arkansas History course should be issued a standard teaching license, with a requirement to submit proof of completion of the course to the ADE within a certain period of time.</p> <p>12.03.1 (formerly 14.03.1) – Before this language is placed in final Rule form, we would ask the Department to review all of its licensure areas to see how many (if any) out-of-state licensure areas are anticipated not to match Arkansas' licensure areas. A clear intent of Act 1178 is for an out-of-state teacher, upon the presentation of the proof required by the Act to the Department, to receive a standard Arkansas teaching license for the same grade levels and areas as reflected on the out-of-state license.</p>	<p>Comment considered. Ark. Code Ann. § 6-17-418(b) specifically requires the issuance of a provisional license in place of a standard license for applicants who do not meet the Arkansas History requirements. Act 1178 did not repeal or modify any portion of § 6-17-418; therefore, the Department must continue to enforce § 6-17-418 as it currently exists.</p> <p>Comment considered. The language of 12.03.1 ensures that every eligible applicant will receive a standard license as required by Act 1178, regardless of what licensure area they may have.</p>
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